D no 9601

App F IX 4
Previous References

19 51-52
(C-M)

File No 27-51
Serial Nos 1, 2

Later References.
CM 27-53-14 15, 116, 117
CM 15-54-5, 6,

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

P-17-[

Part B for July 1951

SUBJECT

Bye-laws for the registration of ~~house~~ Hawkers

To: The ML Commr
" C-S A-6
L, 3618-9 b) 16/7/51

16/7/51

WD 010861—GPB—25,000—18-9-50

URGENT Licensing the hawkers in Mysore &

From

The Municipal Council Mysore City

No C2 : P R 47/50-51 dt 30 6. 51

Forwards for sanction draft bye-laws in respect of the above

Necessary formalities such as calling for objections, etc have been observed by the Municipal Council in this behalf

2) The Municipal Council has approved of the bye laws as per draft enclosed at its meeting held on 29-5-50 and the Municipal Council has sought sanction thereto.

3) The object of introducing the bye laws is stated to be for the promotion of public Health and Sanitation and the control of hawkers, was in vogue in Castonhile and station area (Copy of the B, laws issued under the B M Laws is not readily available) It may be desirable to compare the draft bye law sent up by the Corporation with the one which was in force in the civil station area,

4) If approved, a copy of the bye law referred to above, will be obtained from the Corporation,

A) 5) A — Yes

6/7/51

6/7/51

#2 187 ml

Le Secretary the Chambers of Mysore City

b) The Bye-laws were compared with those in force in Bdore city and are framed to the abridged (Copy w' - Bye laws framed under the B.M Act)

7) The Bye laws are purported to be issued under Sec 51 (1) (ee) (iv) and (vi) read with Sections 82 and 167 (29) of the Mysore City Municipalities Act

8) Sec 51 (1) (ee) iv and vi provides for bye laws being framed for the Municipal Council Regulating the use of any place as a Dancing, hotel eating house, Gallery, etc, and for the manufacture of related wares and for parading groups or Tamasha on a large scale, and Sec 82 deals with imposing fees when licence are granted, and section 167 (29) - (e) a penitive provision which prescribes for contravention a maximum fine Rs 25/-

(not Bdore but of Mysore)

9) As for Considerations whether the Sections under which the bye laws proposed to be issued wants to be appropriate whether the penalty prescribed for the draft contravention of the bye laws is Rs 50/ and further fine extending to Rs 5/- a day for continuing offence whether this is not excess of the powers Conferred by the Act Requires to be examined

10) The Law Secretary may be Consulted above points and also the legality and Validity of the draft bye-laws.

Bgre 5/7/55

2218/L 1072/28

11) Please note below the power of ~~the~~ B.C.M.L. Section 137(I)(c) under which bye-laws for the licensing of hawkers have been issued in the erstwhile civil state area for Surat 10/7/50

Bylaws book [illegible]

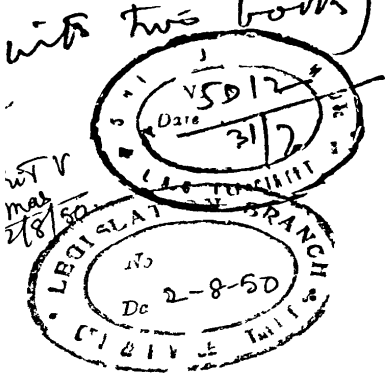
12) A copy of the Bangalore Municipal Law of 1897 together with a copy of the Byelaws framed thereunder is forwarded herewith. Kind reference is invited to Page 39 of the Byelaws which contain Byelaws relating to the levy of Taxon Hawkers. [illegible] 28/7 29/7

13) The opinion of the Law Dept. may be obtained on the legality & constitutionality of the proposed bye-laws

Law Secretary to [illegible] remarks) 31/7

4/8/50

X with two books



[illegible] V
May 2/8/50

Bye-Laws for the licensing of Hawkers framed by the Mysore City Municipal Council

1) The draft Bye-Laws follow in the main the Bye-Laws regarding Hawkers framed under the Bangalore Municipal Law, 1897

These Bye-Laws have been framed under section 51(1)(b) of the Mysore City Municipalities Act, 1933, and are stated to be for licensing hawkers According to section 51(1)(b), a municipal council could frame Bye-Laws only "for the use of any place not belonging to the Municipal Council", in order to carry on certain businesses set out in that provision It follows that "the use of any place not belonging to the municipal council" is an essential pre-requisite

1072/LD

Bye-laws for the licensing of hawkers framed by the Mysore City Municipality

for granting a certificate

The term Hawker in its generally accepted meaning as well as in the definition provided in the draft Bye laws, does not convey the sense of using a place not belonging to the municipal council This applies also to hawkers who keep a way side shop temporarily

16) It is therefore submitted that the provision of section 51(1)(b) of the Municipal Act should be invoked for licensing hawkers instead of hawkers by any other mode of assessment under the Act can be

Bye-laws for the licensing of hawkers framed by the Mysore City Municipality 2836 Laws

resorted to if such control is considered necessary.

17) The law framers may also be consulted as regards the legality of the draft Bye-laws as the question raised by the Admn Sectt is primarily one of interpretation of law

Mas 10.10.50 + Law Secy 1881 not to Labr Bar 19) 14/10

SECRETARY, LAW DE 14 OCT 1950

for Ed(

18) The Bangalore Municipal laws is not in force and hence the City laws framed thereunder do not afford any bar to consider the legality of the draft bye laws in the present

2836/law

The ad-hoc mtg. of staff is requested to kindly make available a copy of the by-laws framed under the City by the Bangalore Municipal Corporation under the Corporation act or under the City Municipal Act previously subject for order

NMM 16/10.

20) As yes. Please.

for 17/10

Asst Secy (L.S.G.) mc)

MAS

21) Bye laws framed under the city & B'lore Municipal Act by the Corporation have been separately sent for Records to the Legislation Branch on 18.7.10 50 vide D no. 4542/L and they have not yet been approved by Govt.

22) A Copy of the Rules and Bye-laws of the B'lore city Municipality is herewith

Asst Secy Law) 21/10/50

21/10/50

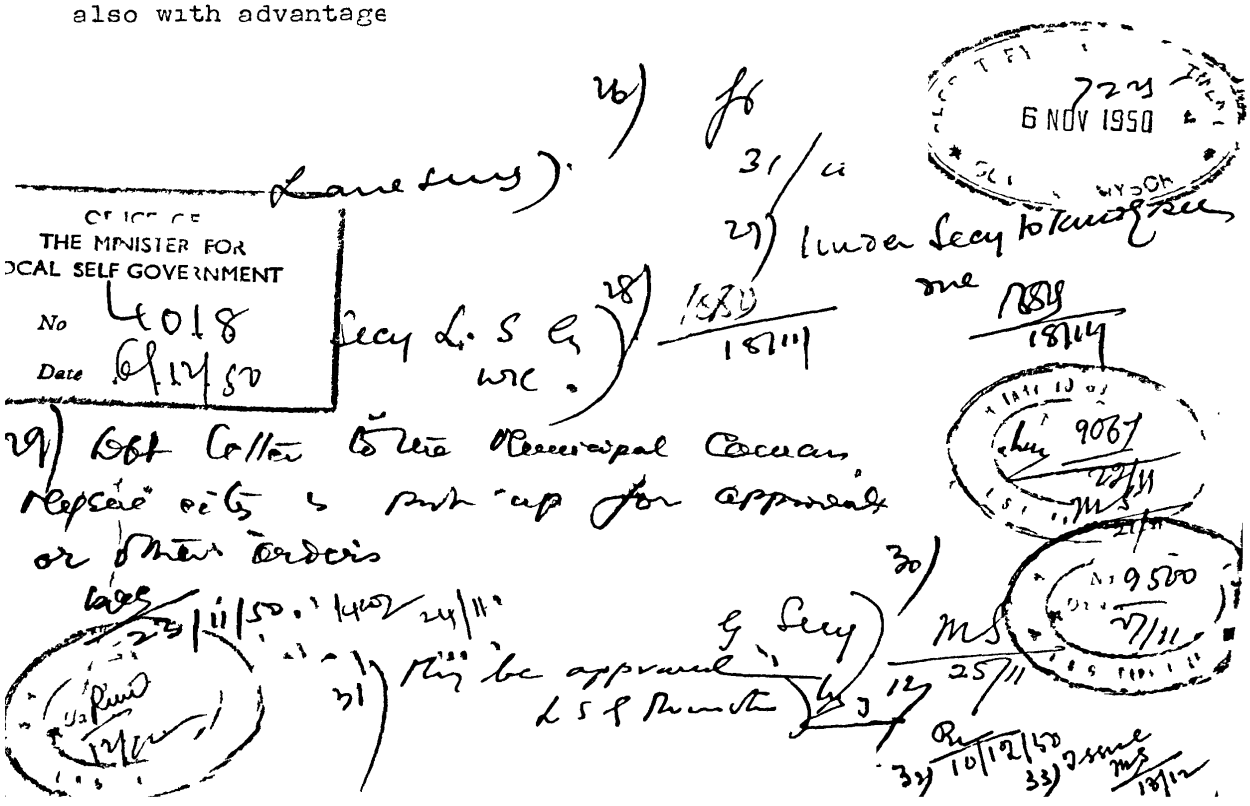
2218/mul 2836/Law

Bye-laws — re Hawkers

23) The bye-laws are proposed to be issued under sec 51(1)(b) of the City Municipalities Act Sec 51(1)(b) provides for licensing, regulating and inspecting certain businesses in places not belonging to the Municipal Council

24) This does not mean that the areas or localities should be places not belonging to the Municipal Council It appears to mean only that the areas are not owned by the Municipal Council directly, though Municipal Council has the jurisdiction over such areas

25) However, the bye-laws framed under the Bangalore Municipal Law do not afford any basis of comparison It is seen that similar bye-laws have been framed by the Bangalore City Municipal Council under sec 51 (1)(a) of the City Municipalities Act The same procedure may perhaps be adopted in the present case also with advantage



Urgent/Immediate 6699 7159/M3

Bye-laws for the Registration of Hawkers in Mysore city

To

The Municipal Comr.,
Mysore city
(Thro' the President)

Lr 10176/47 4 1 51

Issue instructions in the matter

From

The Municipal Comr.
Mysore city

Letter no C2 PR47/50-51 dated 28-12-50 requests early orders in the matter.

34) The Municipal Commissioner Mysore city has been suggested to adopt the procedure ~~in the case of~~ in Bangalore city in regard to the bye-laws for the Registration of Hawkers in Mysore city Municipality The information be furnished

Submitted
8/1/51 JM

35) Yes
8/1/51

1/51 9/1 re Corrections as city Municipality
Ans C2 no R 47/50-51 of 12 1 51
Request for a copy of Schedule B of the Bye laws of the Bijapur city Municipality

36) Draft letter to the Municipal

6699 of 7154 mc 1946 mc

Bye-laws for the Registration of hawkers

Mysore city to be put up for approval

23/1/51

JM
24/1 To

37) Issue
MS
2/1

the Municipal Commissioner,
Mysore city
(Now the Amendment)
L 11)83/51 12 2 51
Forwards the enclosures

Jms 15/2

From
The Municipal Commr, Mysore city
No C 2 P R 47/50 51 Dt 6 4 51
Forwards the information called for

38) At the suggestion of the Law Secretary to at para 25 of the notes above, the Municipal Commr, Mysore, city was requested to Consider and Report on the desirability of adopting the draft on the model of the Circular Bye laws in force in the Blore city, Sending also a Copy ~~of Mysore~~ of the same for reference

39) The Mysore city municipal Council which Considered the matter at the meeting held on 29 3 51 has Resolved that the bye laws framed by them are more suitable for the local conditions and may be

Bye laws for the Registration of hawkers adopted 12b/LD —

40) The draft Bye-laws may be sent to the Legislation Branch for further Secretary and Remarks

Asst Secy (Legis Br) for favour of Compliance early MS 17/4

Rae 16/4/51
JM 17/4

41) The Municipality's proposal may be examined first in the Administrative Section on the administrative side, and the file transferred later at the Secretary's level.

Asst Secy L.S.G. MS 19/4

MS 23/4

42) The Bye-laws have been examined in the administrative side and the Remarks noted at paras 6 to 10 of the note proposed in the file was to be referred to the Legislation Branch and the Reply to the observations made at paras 23 to 25 by the Law Dept. may be refd to the Law Secty for favour of remarks

Rae 24/4/51
JM 26/4

L S G Secy) MS 28/4

Law Secy).

2 2/5/51 MS 1/5

Legis Br MS 15/5

No 1007/L
Date 3/5
L S G Department

1616
15 MAY 1951
GOVT OF KERALA

7/1940 Sgb

Byelaws for the Registration of Lawyers

126

LD

Reference is invited to paragraphs 23 & 28 of the Byelaws as stated therein

Leave to be in pursuance of the provisions of Sects 5(1), 8(a) and 5(1)(b) of the Ordinance

The byelaws submitted appear to be in order

For orders whether the Commissioner may be informed accordingly.

Sect may

[illegible] 28/6

[illegible] 22/6/51 [illegible] Law Secy

Mas: 28 6 51

Secy Lab

[illegible] 23/7

20 JUL 1951

ML 29/6

MAW 29/6

Date 3229 29/6

MW 29/6

Rcvd 30/6

GENERAL & REVENUE SECRETARIAT 3JUL1951

Referred to ML Branch

Secy 2/7

Rcvd 2/7

Dft Co Secretary cg put up for approval or other orders

Secy Mr Branch 1631 LB

Cease 10/7/51 PSP

Done 2/7 11/7

To The M Comm, Nyasaland - MS. The Dep Com'r Bus, State - Accts Dept - B/L

L 3618-9/CM.27

9/16

approves the byelaws

B 16/7

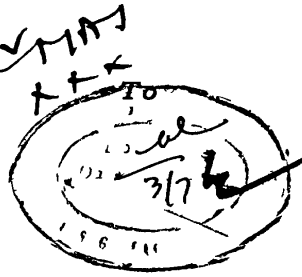
No C2PR 47 Jour 50-51
Encls

OFFICE OF THE MUNICIPAL COMMISSIONER
CITY MUNICIPALITY

Mysore, Dated 24.6.50 30.6.50

From

SRI C NARASIMHA MOORTY MA
MUNICIPAL COMMISSIONER
CITY MUNICIPAL COUNCIL
MYSORE



To

Sri L Muniswamy, B.A.,
Secretary to Government,
L.S-G Department,
Bangalore

(Through the President)

Sir,

I have the honour to state that the question of licensing the hawkers in the city has been under consideration of the Council for sometime past, ~~that~~ Hawking of ~~foods~~ articles of all kinds and specially articles of food and drink have become common and steps have to be taken to regulate this practice in the interest of public health and sanitation It is understood that control of hawkers was in vogue in the Civil Station In 1948, the Municipal Commissioner proposed draft set of rules for licensing of hawkers After examination of the same by the Municipal Advocate and Legal Committee in detail, the draft set of byelaws framed under Section 51(1) (b) ii,iv and vi read with section 82 and 167-ii of the Mysore City Municipalities Act was approved by the Council at their meeting held on 29th July 1949 These were duly notified in the Official Gazette dated 6th August 1949 No objections having been received the byelaws were finally approved by the Council for obtaining sanction of Government at their meeting held on 29th May 1950 with certain verbal alterations as indicated on the notified byelaws, enclosed in triplicate

In enclosing a copy of the resolution of the Council in this behalf, I request that orders of Government may kindly be obtained approving the above byelaws

Yours faithfully,
C. Narasimha Moorty
Municipal Commissioner

Forwarded with compliments.
L. Lingaraja
30/6/50

Proceedings of the Ordinary Meeting of the Municipal Council held on Monday the 29th May 1950 at 4 p m in the Municipal offices

---

244 Legal Committee resolution No.12/16-5-1950 on the referred subject No 946/4-4-1950 of the Council that the draft byelaws framed under section 51(1) (b) (ii) (iv) of the Mysore City Municipalities Act 1933 relating to the registration of hawkers etc., no objections whereof have been received may be approved with some verbal alterations as indicated

APPROVED

Sd S Linganna,
President.

COPY

Municipal Commissioner

24/6/50

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(~~Continuation sheet draft form~~)

2 copies

No. L. 10176 Dt 26-1-51

To

The Municipal Council
Mysore city Municipality
(through the President)

Subject - Bye laws for the Registration of Hawkers, etc in Mysore city

Sir,

With Reference to your letter no. C2.PR 47/50-51 dated 30-6-50 forwarding for Sanction a draft of the above Bye laws for the Registration of hawkers I am directed to ~~state forward~~ ~~herewith~~ state that Bye laws Bye-laws have been framed by the Municipal Council under Sec 51 (1) (a) of the Mysore city

WD 06819—GPB—25 000—26 7 49

Municipality has sent a copy of which
is sent enclosed for Reference
and to suggest that the
same procedure may be adopted
in the present case also
with advantage

Yours faithfully

L. S. G. Secy

23/4/50 MS 25/4

GOVERNMENT OF MYSORE

General and Revenue Secretariat,

No 10176

Dated Bangalore, 22 - 1 - 195 0

FROM

The Secretary to the Government of Mysore,
L S G Department, Bangalore

To

The Municipal Commissioner,
Mysore City Municipality,
(Through the President)

SIR,

SUBJECT Byelaws for the Registration of Hawkers etc , in Mysore City

With reference to your letter No C2 PR 47/50-51 dated 30th June 1950 forwarding for sanction a draft of the above Byelaws, I am directed to state that similar byelaws have been framed by the erstwhile Bangalore City Municipal Council under Section 51(1)(a) of the Mysore City Municipalities Act, a copy of which is sent enclosed for reference I am to suggest that the same procedure may be adopted in the present case also with advantage

Yours faithfully,

M Srinivasa Murthy
for L S G Secretary to Government

SR/2

ASSESSMENT AND COLLECTION OF LICENSE FEE ON HAWKERS

(Framed under section 51(1) (a) and 82(3) of the Mysore City Municipalities Act of 1933.)

No person shall carry on trade as a 'Hawker' in the Bangalore City Municipal Council limits without first getting his name registered in the office of the City Municipality and taking out a license or certificate of registration. The term 'Hawker' for the purpose of this bye-law includes all persons who go about from street to street, selling or offering to sell goods, wares or merchandise except those persons mentioned in the Schedule 'B' hereto annexed

2 Every person wishing to hawk in the City limits shall apply to the Municipal Commissioner in writing, in the form given hereunder for a license and tender the fee prescribed below -

SCHEDULE. 'A'

(Hawkers who are not permanent residents in the City Limits)

FOREIGN HAWKERS.

1	For dealing in precious stones and Jewellery	Rs 10/- per quarter or portion of a quarter of a year
2	For dealing in drapery, such as piece goods etc ,	Rs 2-8-0 per quarter or portion of a quarter of a year
3	For dealing in hardware articles other than precious stones, jewellery and drapery including trinkets and all	Rs 2-8-0 per quarter or portion of a quarter of a year.

HAWKERS WHO ARE PERMANENT IN THE CITY LIMITS
(LOCAL HAWKERS)

For dealing in any article Rs 1.8.0 per quarter or portion articles including articles of a quarter of a year, food and drink.

3. On receipt of the application with fee, the Municipal Commissioner or any officer duly authorised by him in that behalf shall give to the person paying, a license or certificate of registration The Municipal Commissioner or the officer authorised by him may, if he deems it necessary in any particular case, refuse to grant the license and refund the fee tendered.

4 Every person shall, when engaged as a Hawker, have with him the license granted and produce the same when required by any Police officer on duty or any officer or servant employed b the Municipal Council.

5 The license shall not be transferable and no refund shall be granted on licenses which are partly or wholly unused or lost In the

case of licenses actually lost, duplicates may, at the discretation of the Municipal Commissioner or the officer authorised by him, be issued on production of satisfactory evidence by the licensee and on payment of a nominal fee of eight annas

6. Any person found hawking any goods in the City limits without a license when demanded shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs 50/-, and to a further fine which may extend to Rs 5/- for every day after such conviction during which the offence continues.

or who fails to produce a license

for L S G Secretary to Government

C2 PR 47/50-51

CITY MUNICIPAL COUNCIL

Mysore Dated 28th December, 1950

FROM

Sri C NARASIMHA MOORTY M A
MUNICIPAL COMMISSIONER,
City Municipal Council Mysore

To

Sri M S Swaminathan, M A ,B Sc
Secretary to Government,
L S G Department,
Bangalore

Sir,

Subject - Byelaws for the registration of hawkers

I have the honour to invite your reference to this office letter No C2 PR 47/50-51 dated 30-6-1950 on the above subject and to request the favour of early orders of Government being obtained thereto

Yours faithfully,

Municipal Commissioner

28/12/50

cnr

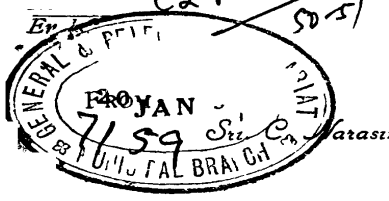
Forwarded with compliments

President
City Municipal Council
Mysore

29 12 50

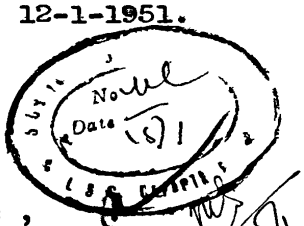
C2 PR 47

505/



Office of the Municipal Commission
City Municipal Council

Mysore Dated 12-1-1951.



Sri C. Narasimha Moorty M A
Municipal Commissioner,
MYSORE

To

Sri M S Swaminathan, M A , B Sc ,
Secretary to Government,
L.S G Department, Bangalore
(Through the President)

Sir,

Subject Byelaws re: registration of hawkers

With reference to your letter No L 10176 dated 4-1-51 on the above subject, I have the honour to state that the Schedule "B" referred to in the first para of the bye-laws of the Bangalore City Municipality framed under Sec 51(1)(a), 82(3) of the City Municipalities Act, has not been received with the letter I request that the same may be kindly caused to be sent

Yours faithfully,

Municipal Commissioner

Forwarded with compliments

T Narasimha Murthy

President

bs

G R S App F G 3]

GENERAL AND REVENUE SECRETARIAT

(~~Continuation sheet draft form.~~)

No. L 11785, Dt. 10/2/51

To

The Municipal Commissioner
Mysore City Municipality
(Through the President)

Subject Bye-laws ~
re Registration of Hawkers

Sir

I am directed to forward a copy of herewith Schedule 'B' to the Bye-laws for the Registration of Hawkers in force in Bangalore City as requested in your letter No. C.P.R. 47/50-51 dated 12.1.51

Yours faithfully

MS
for S.G.O. 20/1
Secy
23/1/51

WD 06072—GPB—25 000—21-6-49

Avo Encls one C2 P N 47/5057 /C M 27-51(—) Dy 16/7/51

CITY MUNICIPAL COUNCIL

Mysore Dated 6-4-51.

FROM

Sri C NARASIMHA MOORTY M A
MUNICIPAL COMMISSIONER
City Municipal Council, Mysore

GENERAL & REVENUE SECRETARIAT 346 13 APR 1951 MUNICIPAL BRANCH

To

Sri M.S.Swaminathan, M.A.,B.Sc.,
Secretary to Government, L.S.G.Department,
Bangalore.

(Through the President).

Subject:- Bye-laws for the registration of Hawkers.

With reference to your letter No. 10176/E-1 dated 4-1-1951 on the above subject, I enclose a copy of the resolution of the Council passed at their meeting held on 29-3-51 to the effect that the bye-laws relating to the above, framed by the Mysore City Municipal Council, may be ordered to be adopted as they are more suitable for local conditions than the bye-laws framed by the erstwhile Bangalore City Municipality.

Yours faithfully,

Municipal Commissioner.

Forwarded with compliments,

T Narasimha Iyengar

President.

Proceedings of the Ordinary meeting of the Municipal Council held on Tuesday the 29th March 51 at 4.P.M. in the Municipal - Offices.

1346. Deferred Sub.No. 1212/27-2-51 regarding the letter No 10176 4-1-51 from the Secretary to Government, LSG Department, enclosing the bye-laws for the registration of hawkers etc., framed by the erstwhile Bangalore city Municipal Council under Section 51(1) (a) of the Mysore city Municipalities Act 1938 and suggesting that the same procedure may be adopted in Mysore also and Legal Committee Res. No. 55/22-3-51 and that the bye-laws framed by this Municipality are more suitable for local conditions.

Legal Committee recommendation is approved.
Government may be addressed accordingly.

Sd. T.Narasimha Iyengar,
President.

Copy.

Municipal Commissioner.

PSK.

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

~~(Continuation sheet draft form)~~

4 Copies

/CM 27-ST-2
dt 14.7.51

Proceedings of the Govt of Mysore

Read:

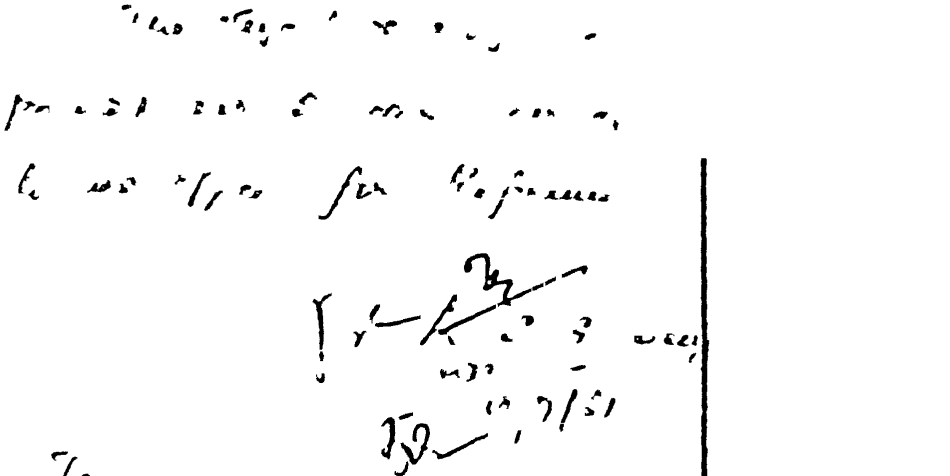
Correspondence ending with Letter No C2 PR 47/50-51 dated 6.4.51 from the Municipal Commr, Mysore City Municipality forwarding for sanction draft Bye-laws for the Licensing of Hawkers in Mysore City framed under Sec 51 (1) (a) Read with Sec 82 and 167 (2) of the Mysore City Municipalities Act 1933 as adopted by the municipal Council in the Resolution dated 29-5-50 and addressing with necessary formalities in this behalf have been duly observed

Order No. H 3618-9/CM dt 16.7.51

The Bye laws are approved & appended hereto

(P T O)

WD 06819—GPB—25 000—26 7 49



PROCEEDINGS OF THE GOVERNMENT ~~OF HIS HIGHNESS~~

~~THE MAHARAJA~~ OF MYSORE

Read.-

Correspondence ending with letter No.C2.P.R.47/50-51 dated 6th April 1951 from the Municipal Commissioner, Mysore City Municipality forwarding for sanction draft bye-laws for the licensing of hawkers in Mysore City framed under Section 51(1)(a) read with section 82and 167(2) of the Mysore City Municipalities Act,1933, as adopted by the Municipal Council in its resolution dated 29th May 1950 and adding that necessary formalities in this behalf have been duly observed.

Order No.L. 318 9/CM 27-57-2

Dated,Bangalore,the 16 7 57

The bye-laws are approved as appended hereto.

The bye-laws may be got printed and 5 copies thereof sent to this office for reference.

For Secretary to Government,
L.S.G.Department.

The Municipal Commissioner, Mysore City Municipality (thro' the President)

The Controller, State Accounts Department,Bangalore.

hsc-4(12-7)

The Copy Laws may be ob-
-tained on Copies there of
by this Office

To

1) The Manager

2) Cashier

Bye-laws for the Licensing of Hawkers in the City of Mysore (ii)(iv)&(vi) framed under Section (51(1) (b)*read with section 82 and 167 (2) of the City Municipalities Act 1933.

1. No person shall carry ontrade as a hawker within the limits of the Mysore City Municipality without first getting his name registered in the Office of the Municipal Council and taking out a license.

2. The term " Hawkers" means and includes all persons who go about from door to door, street to street selling or offering to sell goods, wares, merchandise or articles of food and drink and also all persons who keep a way side shop without any definite place of business.

3. Every person wishing to hawk in Mysore City shall - apply to the Municipal Commissioner in writing in the form prescribed in Schedule "A" for a license along with a fee of Rs. 5/- per year.

4. On receipt of the application with fee, the Municipal Commissioner or some person duly authorised by him in that behalf may grant a license to the applicant.

5. The Municipal Commissioner or the person authorised by him may refuse to grant a license without assigning any reasons thereof. In case of refusal of license the fee tendered shall be returned to the applicant.

6. Every licensee shall, when engaged as a "Hawker" have with him the license granted and produce the same when required by any police officer any officer of the Municipality not below the rank of a Sub-Inspector or of the Municipality not below the rank of an Assistant Health Inspector.

7. The license shall not be transferable and no refund shall be granted on license which is partly or wholly used or lost.

8. In the case of license actually lost, a duplicate may, at the discretion of the Municipal Commissioner or the officer authorised by him, be issued on production of satisfactory evidence of such loss by the licensee, and on payment of a fee of eight annas.

9. A license issued shall be valid during the official year in which it is granted and may be renewed 15 days before the commencement of the next official year.

10. Any person found hawking within the limits of the Mysore City Municipality without a license of failing to produce a license when demanded shall on conviction, be liable to a fine not exceeding Rs. 50/- and to further fine which may extend to Rs. 5/- for every day during which the offence continues.

Schedule "A".

Name of applicant and Address with D.No. and Street.	Permanent place of residence with D.No. and street.	Nature and description of trade	Official year for which license is granted.	Amount tendered

I solemnly d clare that the particulars given above are correct.

Mysore
Dated .....

SIGNATURE OF APPLICANT.

To the Municipal Commissioner
Municipality Mysore

To

The ~~Municipal Commissioner,~~
~~City Municipality,~~ Mysore.

License issued under bye-law for licensing Hawkers.

---

1. Number of License.
2. Name in full.
3. Trade.
4. Amount of tax paid.
5. Date of payment.

---

1. This license shall be produced when called for.
2. This license is not transferable.

Copy

B. Narasimha Murthy

RSK

Municipal Commissioner.

24/6/50